1875-76.

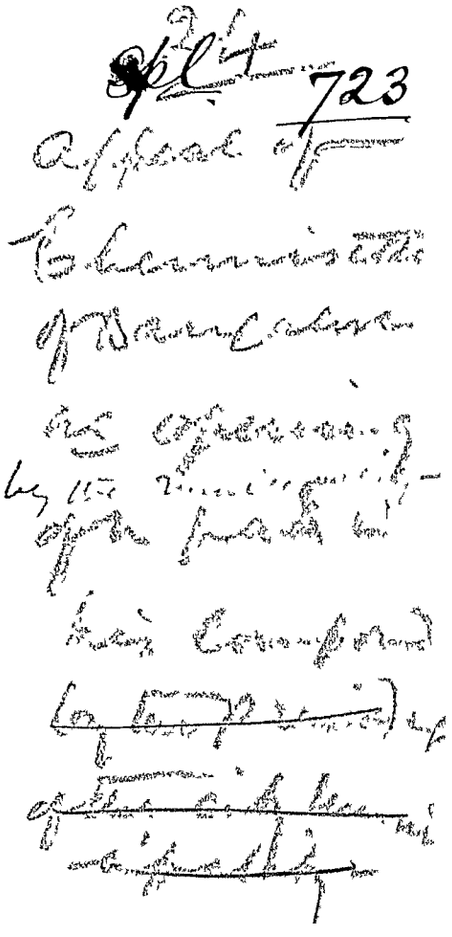
B'

Mund
3 of 1875
No 1-9

From October 1875 to
June 1877 (Incomplete)

Appeal of Chennisetty of Bangalore
regarding the opening of a path by
the Municipality

Indexed



B.

If way through that
site in favor of one

Memo

In order to give effect to the orders of the President Municipal Board Bangalore on the subject of having buildings on the vacant site situated within the Municipal limits, one Clement Chetty, Municipal Commissioner, applied to the President for permission to build a wall around his vacant ground on the Richmond Cantonment - The Board after due enquiry on the spot granted license to the petitioner who accordingly Raised a wall two years ago. Thus the President has ordered to be knocked down to create a right of way through that site in favor of one

Kharappah alleging that
he had enjoyed the right
for a period of 15 years while
he had no such enjoyment.
Previous to the demolition
of the wall referred to the
President asked the Petitioner
if he had any objection to
leave a passage - Chennakesty
then urged, submitting a
Kahdjur that he could
spare no ground for the
purpose inasmuch as there
was no pathway in existence
when the license was granted
him to build the house -
2 Whereupon the President
went to the spot and
ascertained that there was
a pathway for 15 years -
The Petitioner argues that
at the time the President
inspected the locality
no intimation was given

to enable the petitioner to give satisfactory explanation on all points bearing on the subject. No entries as to the existence of the pathway, the Petitioner asserts, was made in the license in the same way as other particulars were given therein. Under these circumstances the Petitioner solicited that his case might receive consideration.

4. The above petition was forwarded to the President Municipal Board for report of the circumstances of the case, specially with reference to the allegation that the ground in question had been enclosed by the Petitioner with the sanction of the Municip

Board and that the
present decision of the Resident
involved the demolition of that wall.
5. The Resident Municipal
Board states that on a
complaint made to him
by one Pappamah to the
effect that Chermatheby
had blocked up the
passage by which he
gained access to his house,
he personally inspected the
locality and satisfied
himself that a pathway
had existed for a number
of years - Mr Chermatheby
was then asked to show
the cause why this roadway
should now be shut up -
the man having denied the
right of way in question
in question, the Resident
caused the Revenue accounts
to be examined in view
to ascertain the ownership

of the piece of ground held by Chennaiketty and it was discovered that the title was registered in the name of Lingadeer Nadt in 1838 though show the petitioners enjoyment since 1864; that when he enclosed the ground there was a pathway left and lastly that the Candayan used to be paid by Chennaiketty. The President is of opinion that if the petitioner is the real owner of the ground he might prove his rights in a Civil Court but even then the question whether a right of way has or has not been established will have to be determined.

B. Sreenivasa Rau
Asst. Clerk
19/5/76

C. Rámanáda
20/5/76

6.

to me that the
dispute between
Chennachetty and
Muruppah is one
which ought to
be referred to the
Land Court ... /a
adjudication.

J. Chennachetty
claims the site
enclosed by a
wall as belonging
to him — while
Muruppah asserts
that he had
a right of way
over the said site.
The latter may
establish his right
as against the

former in a proper
Court. Till then
the proposed demo-
lition of the wall
should, I think
be arranged

8. If the President
of the Municipal Board
deems it necessary
that a portion
of the site in
question ought to
be taken up
for a passage,
the procedure indi-
cated by ss 97 & 98
of the Municipal Reform
Council to be
The compensation
for the site so
assumed will be
paid to the Secretary

who may be
declared to be
the owner

– Memo No 43

E. Thornbotham

25/5/76

I agree – Please draw up
Reply &
Communicate to
the Press for publication

26/5

Approved

26/5 Drafted
H.S. 27/5/76

Memo in continuation of No: 43 dated 25/5/76.

9. The foregoing orders were communicated to the President Town Municipal Commission, in this Office Pro No: 1009/361 of the 3rd June 1876, a copy of which was also granted to Channa Chetty on his application dated 30th June 1876. Soon afterwards, Channa Chetty + petitioned the President for permission to restore a portion of the wall which had been demolished by the Board previous to the receipt of the said order. Dr. Orr, in reply, & informed petitioner that the site in question was public property inasmuch as it was originally occupied by a temple as stated in a petition submitted to

+ on 10th September 1876

& No 301 of 15th September 1876.

him by several
parties and called
for documentary evidence
to prove petitioner's
title to the land.
10 Chinna Chetty stated
that he had no
title deeds to produce,
save a few receipts
for the payment of
Municipal taxe, his
only claim, the strongest,
being the undisturbed
possession of the same
for a series of years
Such, he urged, was
the case with regard
to the majority of
houses in the pettah,
for which there is
seldom any grant or
title deed in the
possession of the owners
Even for his own
house, which has been
in the possession of
his

his family for a
century, he could
show no title deed.
Further with regard to
the particular site
in dispute, petitioner
pleaded that it was
not for him to prove
his title to the land
which is admittedly
in his possession, but
it was for the parties
who asserted their
right to it, to prove
the same by positive evidence.
He therefore was resolved,
under the ruling of
the Ch Comm[r], to
restore the small
portion of the wall
which had been
removed without
caring for the vexatious
opposition of some of
the neighbours.

11. But the President stated

+ evident, appearing to
the Comm[rs] Feb 11, 1867
3/6/76

stated that from the + Letter no 392 dy 28/11/76
enquiries which he
instituted into the
matter, and from a
numerously signed
petition to his address,
it appeared that
the site belonged
to the community
generally and that
he would not
recognize petitioner's
claim to it, directing
the latter at the
same time to abstain
from any interference
with it till his
legal right thereto would
be established by
an action in a Civil
Court.

12. Against the foregoing
order of the President
Petitioner appealed to ⊕ Petition no 471/2 dy 22/12/76.
the Chief Commissioner
urging

urging the following grounds.

(1) The President has constituted himself a civil judge to adjudicate the rights of the parties which is a procedure anything but regular

II Petr was mistaken in soliciting the Presidents permission to restore the wall which was illegally demolished by the Municipal servants and which he could easily have restored under authority of the Chief Commrs order. Such as it is has since interdicted petitioners interference with it. he begged that another distinct order might issue to push in execution the former order.

13. Petitioner added that while the original

dismissed.

dispute was between
himself and one Marappah,
it was clear from
the Presidents' letter
above alluded – to, that
Dr Orr claimed the land
on behalf of the
Municipality.

14. The foregoing petition
was forwarded to the
President for report.

15. Dr Orr now states
that the report which
he submitted on the
16th March 1876 contained
full details of the
case. He, however, observes
that in this case, as
in every other submitted
to him, previous to
giving sanction to the
construction of any
building and where
any doubt existed
as to the ownership
of the ground, he
called upon the
party so applying

to

† Offl. memo (Ferguson)
No. 448 D 7/2/77.
Also reminder
" 13/4/6/77

⊕ letter from Provost
No. 144 D 14/6/77.

to produce any document any evidence or satisfactory proof on behalf of the applicant. In the present case instead of producing any such which he himself confesses, he does not possess, Channa Chetty appealed to the Chief Comm^r against his Proceedings. This man who, professing himself to be the Vejaman of his caste people, took advantage of the order of 1862 (alluded to in para 1 of the memo No 43) to erect a low mud wall along a portion of one side of the site failed to complete it within 6 months the period fixed in the Notice: and allowed it to lie waste and

open to public up to the present date, or rather up to the date on which it was lately attempted to be enclosed. We our therefor submit that the ground has re verted to the Municipality and is now Municipal property There is ample oral evidence to prove that the ground claimed by Chenna Chetty, was the site formerly of a Hindoo Mutt, which having fallen into disrepair and disuse, was suffered to lie waste and unclaimed, — a fact which is borne out by the records of the Revenue Dept Nor is this a Solitary

case.

case. Numerous cases of a similar nature have occurred, and are daily occurring, where parties take advantage of formerly existing Muzjids or temple sites having been permitted to become waste, to push forward a claim to the ground. If Chenna Chetty conceived he really had any legal claim to this Mutt site he would have taken legal measures to obtain possession instead of appealing, as he has done, to the Chief Commissioner). Dr. Orr suggests that he may be referred to the Lower Courts to substantiate his right to the ground

16 As I clearly stated in the C.C.

order of 3d June
last, No 1009, that
if Chenna Chetti
367
right to the site
in question was
disputed by third
parties the latter
and not Chenna
Chetti might be
referred to the
Civil Court for the
Establishment of the
right. It was
added, that if
the President of the
Municipal Board deemed
it necessary that
a portion of the
site in question
might be taken
up for a passage
the procedure indicated

by ss 97 & 98 of the Imm. Regn ought the Respt the Respondent, I submit was bound to act wh is the order of the 6th Inst.; but instead of doing so he has, I am advised, refused to allow Chemmakhetla to enclose the site by a wall and refused him to a repeal sent. This order of the Respondent is still to be observed. was subsequent to the date of the 6th order refused to above

R T Thomson 22/6/77

x Vide letter from Supt to Sec for Dft 28th Nov 1876 No 392.

Dft Mr's report of 17 March 1876 read.

The case seems plain enough. The sole question is waste lands has been much upon. The Chemmakhetla claim to ownership of it, & land & has been in possession since 1864. The "possession" consisted in paying land tax to the Municipality of it, & in order to secure his rights on sale / since 1864. The Municipality of Pietermaritzburg in 1873 & the Municipality of Richmond in 1875 & the site for Mr Thomson which is a clear title to the land. The Chemmakhetla claim it as their personal property & not as that of the community / Caste / of which he is the Kgosana. Chemmakhetla holds no title deeds or documents of any kind & never established his rights of possession by, and I am disposed to concur with Dr Orr that under the circumstances and having regard to the many years ago when the waste lots were reclaimed, the Municipality represented

the general community the legislature
take proper care of the sick, as her children
born. If Chemung Valley can by wise
& liberal endeavors establish her right
that this castle keeper, he may
be entitled to the land count. I feel
hopeful, that there is no universal
or unprejudiced opposition to Chemung right
& is endeavors to regain Chemung valley
be hang any means facile right & occupy
the title / the municipality the & inhabitants
& measures which are for the public
advantage. If [illegible]

No. 1905

Name of Petitioner. Yajaman (then Municipal Commissioner) Division

Village. Bangalore.

Taluk. — Do —

District. — Do —

Date of Arzi. 18th October 1875

Date of Receipt. 19th — Do — —

Date of Disposal.

No. of Enclosures. Five.

ABSTRACT.

States that the Present Municipal Board Bangalore has newly erected a right of way in favor of one Marappa in a portion of the compound attached to the Petitioners house alleging that the said individual had enjoyed that right for a period of 15 years, while he had no such enjoyment & has caused a wall which had been rebuilt upon 2 years ago by the petitioner under the written authority of the President, to be knocked down, thus summarily interfering with petitioners civil rights & possession contrary to the Municipal Rules, & is thereby put him to much

In a matter between the Petitioner & Venkatappa Setty Respondent in a Civil Court - the Petitioner desires to take Explanations his grounds upon which it was based.

DR
10/1/76

It is believed to avoid litigation if practicable. The Petitioner & Venkatappa Setty Respondent in the presence of the Assistant & the Magistrate shall be summoned & the matter enquired into by the Asst & the Sanction of the Dewan obtained to the Resolution which may be passed

Mr Asst 24/9/76

Be so therefore that the Proceedings in his case may be called for from the President, & his order cancelled, as the President has been preparing for the execution of his orders, and he may be directed to stay the execution till the Case is finally disposed of by the Chief Council.

Geo Rufus Lawrence

P. Gen.

مجلس شوراي اسلامي

[illegible]

[illegible]

[illegible]

ಸಂಖ್ಯೆ

ಶಿವಮೊಗ್ಗ ಜಿಲ್ಲಾ ಕಚೇರಿ, 1875 ನೇ

ಸಾಲಿನ ಜಿಲ್ಲಾ ಪರಿಷತ್ತಿನ ಸಾಮಾನ್ಯ ಸಭೆಯ—

ಸಭೆಯು ಸಭೆಯ ಅಧ್ಯಕ್ಷರಾದ ಶ್ರೀಮಾನ್ ಎಚ್. ಎಸ್. ಕೃಷ್ಣಮೂರ್ತಿ ಅವರ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ಸಭೆಯು ಸೇರಿತು. ಸಭೆಯಲ್ಲಿ ಒಟ್ಟು ಹದಿನೆಂಟು ಸದಸ್ಯರು ಹಾಜರಿದ್ದರು. ಕಾರ್ಯದರ್ಶಿಯವರು ಹಿಂದಿನ ಸಭೆಯ ನಡವಳಿಕೆಗಳನ್ನು ಓದಿ ಹೇಳಿದರು. ಅವುಗಳನ್ನು ಸರ್ವಾನುಮತದಿಂದ ಅನುಮೋದಿಸಲಾಯಿತು.

ಅಧ್ಯಕ್ಷರು ಮಾತನಾಡಿ, ಈ ವರ್ಷ ಮಳೆಯ ಕೊರತೆಯಿಂದಾಗಿ ಜಿಲ್ಲೆಯ ಅನೇಕ ಕೆರೆಗಳು ಬತ್ತಿಹೋಗಿವೆ ಎಂದು ತಿಳಿಸಿದರು. ಆದ್ದರಿಂದ ಕೆರೆಗಳ ಹೂಳೆತ್ತುವ ಕಾರ್ಯವನ್ನು ತುರ್ತಾಗಿ ಕೈಗೊಳ್ಳಬೇಕಾಗಿದೆ ಎಂದು ಅವರು ಅಭಿಪ್ರಾಯಪಟ್ಟರು. ಈ ಕಾರ್ಯಕ್ಕಾಗಿ ಸರ್ಕಾರದಿಂದ ಒಟ್ಟು ರೂ. 3,50,000 ಮಂಜೂರಾಗಿದೆ ಎಂದು ಅವರು ಸಭೆಗೆ ತಿಳಿಸಿದರು.

ಸದಸ್ಯರಾದ ಶ್ರೀಮತಿ ಲಕ್ಷ್ಮಮ್ಮ ಅವರು ಮಾತನಾಡಿ, ಹೂಳೆತ್ತಿದ ಮಣ್ಣನ್ನು ಕೆರೆಯ ಏರಿಯ ಮೇಲೆ ಹಾಕಿ ಬಲಪಡಿಸಬೇಕು ಎಂದು ಸಲಹೆ ನೀಡಿದರು. ಈ ಸಲಹೆಯನ್ನು ಸಭೆಯು ಒಪ್ಪಿಕೊಂಡಿತು. ಕೆರೆಗಳ ಹೂಳೆತ್ತುವ ಕಾರ್ಯವನ್ನು ಮೇಲ್ವಿಚಾರಣೆ ಮಾಡಲು ಒಂದು ಸಮಿತಿಯನ್ನು ರಚಿಸಲಾಯಿತು. ಸಮಿತಿಯ ಸದಸ್ಯರಾಗಿ ಶ್ರೀಮಾನ್ ಎಚ್. ಎಸ್. ಕೃಷ್ಣಮೂರ್ತಿ, ಶ್ರೀಮತಿ ಲಕ್ಷ್ಮಮ್ಮ ಮತ್ತು ಶ್ರೀಮಾನ್ ಜಿ. ಆರ್. ಸುಬ್ಬಯ್ಯ ಅವರನ್ನು ಆಯ್ಕೆ ಮಾಡಲಾಯಿತು.

ಸಭೆಯು ಮುಂದೆ ಕೈಗೊಳ್ಳಬೇಕಾದ ಕಾರ್ಯಗಳ ಬಗ್ಗೆ ಚರ್ಚಿಸಿತು. ಜಿಲ್ಲೆಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆಗಳಲ್ಲಿ ಕುಡಿಯುವ ನೀರಿನ ವ್ಯವಸ್ಥೆ ಮಾಡಲು ಸಭೆಯು ನಿರ್ಧರಿಸಿತು. ಇದಕ್ಕಾಗಿ ರೂ. 50,000 ಮೀಸಲಿಡಲಾಯಿತು. ಶಾಲೆಗಳಲ್ಲಿ ಕೊಳವೆ ಬಾವಿ ಅಥವಾ ಬಾವಿಗಳನ್ನು ತೋಡಿಸಿ ಪಂಪ್‌ಸೆಟ್ ಅಳವಡಿಸಲು ಕ್ರಮ ಕೈಗೊಳ್ಳಲಾಗುವುದು.

ಸಭೆಯು ಸಂಜೆ 5.30ಕ್ಕೆ ಮುಕ್ತಾಯವಾಯಿತು.

ಕಾರ್ಯದರ್ಶಿ

No. 223

Police

In continuation of this Office Endorsement No. 189 of the 23rd Ultimo Mr. Chenna Chetty is hereby required to Remove 8 feet of the wall Recently erected by him, and which if not done within 8 days, the work will be carried out by Departmentally and the cost recovered.

Office of the Dist Comm
for the Town of Bangalore
Dated 15th September 1875.

(Resident
Town Dist Comm

II) The following is a copy
of Bangalore Pettah pro-
ceedings, a
as his ancestral property, a
is called "Chinnoor Pattara

(II) The following is a brief history
of Bangalore Pettah, petitioner's property
as his ancestral property, a house & enclosure
of 5 called "Chauree Vattara", Four years

Yours truly,

Pres. Ind. Co.

Dec 31st 1873

Dear Sir,

We have pleasure in informing you that we have declared a dividend of Rs. 12 per share for the year ending 31st December 1873, payable at our office on and after the 15th January next.

The transfer books will be closed from the 1st to the 14th January, both days inclusive.

By order of the Board,

Secretary

Rec'd 1905

DEPT'A

1/10/05 No 3 F

To

The Honourable David Ross

Officiating Chief Commissioner of

Mysore

Bangalore

Rupee Stamp

Fair Copy

The humble petition of Complaint of Nagappa Chi-
-na Setty, Municipal Commissioner, No. 1 Division Bang-
-alore

Most Respectfully Sheweth

(I) That the President of the Municipal Board Bangalore has newly created a right of way in favour of a Muniappa on a portion of Compound attached to petitioner's house, alleging that Muniappa had enjoyed that right for a period of 15 years, while he had no such enjoyment, & has caused a wall which had been rebuilt upon two years ago, by petitioner under the written authority of the President, to be knocked down; thus Summarily interfered with petitioner's Civil rights & professions to the infringement of the Municipal Rules, & has thereby put petitioner to unnecessary trouble.

(II) The following is a brief history of the case. In Bangalore petta, petitioner possesses as his ancestral property, a house & enclosure called "Chowkee Vattara", four years

ago the house having been pulled down, petitioner
went to another house, & altered the Site of the
said house to erect a new built upon, petitioner
erected a Slaughter & meat house, garden thereupon
Whereupon the Board having decided that building
Public Should not be left in ruined State, pet.
house applied to them for permission to raise
an enclosing wall around it, a license therefore
being necessary under the Act. The Board after
due enquiry on the Spot granted license to
petitioner & he raised a wall about two years
ago, & which wall, the Board have now caused
to be knocked down to create a new right-of way
through that Side lane Guarapo, through he
has been using always the public high road
itself. Before thus creating the right- the Board
issued a notice to the petitioner, calling upon
him to State, if he had any objection to allow
Guarapo a right-of way. On reply petitioner
Submitted a petition Setting forth the weighty
objections & Submitting a Guarantor from the
Code of Castes & others, declaring that there
existed no right-of way through that premises
that Guarapo enjoyed none through that
ground. Whereupon petitioner heard, that
the president called over to the Spot & in
petitioner's absence, questioned Some of Guara
pos friends, who of Course having stated Same-
thing in favour of Guarapo, the President-
Ordered to have Concluded, - he enjoyed

a right-of way for 15 years, & has accepted
his order No. 262 dated 10th August herewith
submitted in original), to do justice to Narasha
(III) objection against the President's said order
/ it has been admitted by the President himself
that the ground through which a right-of way
has been sought, is the property of petitioner
of that a wall around it existed. While he
petitioner begs to submit how improbable) the
assumption that a right-of way existed is; &
that therefore without petitioner's consent, he
Submits, the Board cannot allow a right-of way
to a private individual. If the Board wanted
to make a public road, the proper courses wa
to acquire it regularly on payment of Comp
-ensation according to rules &c.

2nd The adjudication of claims to right-of pri
-vate way through a land of another person is
a matter exclusively cognisable by a Civil
Court & not by a Municipal President,
(Vide Sec. 27 of the Indian Limitation Act

3rd Assuming for the sake of argument that
the President was competent to interfere
with matters of this kind, petitioner begs
to submit that the enquiry which Dr. as
has stated to have made, did not elicit
the real facts of the case owing to certa

[illegible] why the President did not give
notice of the enquiry to the petitioner & why during
petitioners absence he called over to the Shetty
while petitioners presence he most unpro
voke, he took no notice of the Inalayer Su
by petitioner as above stated & why he did not
hear either petitioner or the Heads of Caste who
executed the Inalayer, & why he took no notice
of the fact of the real non-appearance of the
existence, on the spot in question of the said right-
of way, petitioner is not able to say. Petitioner
humbly begs to submit that this kind of too
Summary a procedure, irrespective of the other
merits of the case is in itself a fact-enough
of the injustice which petitioner has been put
to suffer.

It seems from the President's order that
petitioner with. enjoyed from enjoying
the right of way through that land. The
is a supposition, but not a fact. Inasmuch
was never enjoying such right was why he
ever disturbed. The whole "Vattara" has
been in the exclusive enjoyment of Pe-
titioner & his forefathers for the last 700
& years. Ever since up to the present, no
right of way to any one existed.
s- The President has passed unnoticed
a license granted by himself to petitioner
2 years

2 years ago to raise a compound wall, a the premises and had decayed owing to heavy rains. That license sets forth the different minor particulars of the position of the spouts &c, of the petitioner's building, but alludes to no existence of the right-of private way there through. The Board inspected the spot prior to issue of that license & made the usual local enquiry & after ascertaining all the particulars, have issued the said license. This, petitioner has herewith enclosed for your honor's perusal. If there was a path, that would invariably have been mentioned in it. The absence of any mention as to a path is a strong point to prove the non-existence of a right of way.

& for these reasons petitioner humbly sah your honor will be glad enough to call for the papers of this case from the President & Council the president's order allowing a right of way to Ramaphos. & the process has been pressing for the execution of his order petitioner solicits your honor to desist staying of execution till the matter

matter is finally disposed of

I am submitted herewith the following

abstract of your honour's proceedings.

1- Petition, No 223

2- order, No 38

3- Endorse, No 262

4- Licence No 116

5- Enl. Endorse No 189

5

18th October
1875
Bangalore

Petitioner in duly named shall
ever pray

(Signed Yajam Channa Setty)

No 4 to 189

Extract of orders passed on Petition from Mr Shunnadh.
Municipal Commissioner No 1 Division Bangalore
Dated 5th August 1875 -

The Petitioner is informed that from enquiries the undersigned has made on the spot from the neighbouring inhabitants and also from a personal inspection of the locality - he has satisfied himself that the piece of ground now proposed to be enclosed has for more than the last 20 years been undisputed upon and open to the Public and during that time the Resident of the adjoining house have used this ground as a thoroughfare to and from their respective Buildings, a right of way has thus by law been established and which cannot now be permitted to be interfered with -

The Municipal Commrs
of the Town of Bangalore
Dated 2nd August 1875

President
Municipal Commrs

1876. No. 852
167

From

To The President of the
Municipal Commission
Bangalore

Dated 4th February 1876

Despatched—

Received

ENCLOSURES NO / File

General No. 8329
8th No. 1694

Forwarded a Petition No. 1905
dated 18th October 1875 from
Gajendra Vithanna Shetti
Municipal Commissioner
for decision of the Court of
Bangalore for a report of the
circumstances of the
case, with reference especially
to the allegation that the
pounded premises had been
enclosed by the Petitioner with
the sanction of the Municipal
Board, and that the present
decision of the President
involves the demolition
of the premises.

By Order

Asst Secretary

Copied
E.A.
1-4-76

1876

From

The President,

Town Municipal Commission

To

The Secretary to Chief Commissioner,

General Department.

Dated, 17th

Despatched,

Received, 18th March 1876

Regd. 18th

Enclosures No. 11

General No

No 494

Subject.

Report upon the Estate of Yejindar Chunna

Petty Municipal

Commissioner of the

Fort Municipality

No 494

Fee of 1 Rupee 8 annas

For the Town of Bangalore.

Dated 16th March 1876.

From

The President

Town Municipal Commission

To

The Secretary to the Chief

Commissioner of Mysore

Bangalore -

Sir,

Agreeably to the instructions conveyed in yours Docketed No. 8329/1694 - of the 4th ult.o I have now the honor to forward a brief Report on a Petition No 1905 - dated 18th October 1875 from Gyjiraoo Chenna Chetty Municipal Commissioner No I Division of the Town of Bangalore -

herewith returned with enclosures -

Towards the close of the year 1873 I received a petition from one Chenna Chetty applying for permission to enclose a certain portion of ground described by him as "Our Kuttle site" and situated

situated in Manavarthi Pete also for permission to erect on that site a stone Mantapa of 5 cubits and to lay out a flower garden. This petition was referred to the Municipal Commissioner No II Division who reported that the permission might be granted with the proviso that the windows and water spouts of the neighbouring houses should not be interfered with, the permissive Endorsement under date 18th December 1873. On lodging these conditions was accordingly given to the Petitioner. In July 1875 I received a petition signed by D. Papanaidu and others Residents of Manavarthi Pete stating that Thomma Chetty had some 8 years previously partially enclosed with a wall the Mantt site which had for the last 40 or 50 years been permitted to lie waste and that during the previous months January in June 1875 he had walled up that portion

of

of the site previously left unenclosed
and by which the Petitioners
had obtained access to their houses
from the public street they
further stated that this
obstruction had been created during
their temporary absence from Bangalore
and having on their return communi=
cated with Chenna Reddy against
the blocking up of the passage
by the construction of the wall he
had promised them to have it removed
but had failed to do so they therefore Requested
=ed that I would take the necessary
steps and have the wall complained
of demolished. From Enquiries I
then instituted I was able to
ascertain that some 8 years previously
the Municipality had issued
notices to all owners of waste sites
within the Town limits that these
sites must be built upon within
6 Months otherwise the ground
would be taken possession of by

the

the Municipality it would appear that Mr. Channa Chetty in his capacity of Gejinaru of his caste then or at that time practically Enclosed with a wall a portion of the ground now claimed by him and on which ground it is said a Mantap belonging to his caste people formerly stood. at that time however it would further appear that only a portion of the ground had been Enclosed and that the right of way hitherto Enjoyed by the Residents of the adjoining houses had not been interfered with. Having visited and personally inspected the locality and satisfied myself both that Mr. Channa Chetty's claim to the ground was of a very doubtful character and that a right of way had here Existed for a number of years I served Mr. Channa Chetty with a notice to show cause why this

Road

Broadway should now be shut up.

In reply I received a letter dated 17th of July (copy of which is appended marked (A)) in which Channa Chetty denies that a right of way had ever here existed and further would wish to make it appear that a house had actually been recently erected by him on this site. I have taken the trouble to examine the Revenue Accounts with a view to ascertain the ownership of this particular piece of ground and from these it would appear that this site under the designation of Lingadeera Pandy has been entered in the accounts as a waste site from the Year 1838 and there is nothing to shew that either Mr. Channa Chetty or any other party, ever owned the ground or that any building had ever stood on the site there is a tradition that a Pandy had previously existed here but the oldest inhabitant is unable to

Say

say that he ever had seen it. I have only to add that if Mr. Channa Chetty is the real owner of the ground under reference nothing can be more easy for him than to prove his rights in a competent Civil Court. But even then the question of whether a right of way has or has not been established will also have to be determined.

I append a petition in original dated 20th February marked (D.) from several of the adjoining residents protesting against Mr. Channa Chetty's claim to the ownership of this ground as also against the present existing right of way being interfered with. also a deposition taken from the Shanbogue of the District. I have the honor to be

Sir,

Your most obedient Servant

President

Town Local Committee

Please see
orders of 3d June
1876 No 1009 - a
361
copy may be
sent to Peti

3/7/76

Plaint
Copy to C.C.
Copy Record.

No.

Name of Petitioner. Channa Shetty

Village.
Taluk. } Bangalore
District.

Date of Arzi 30th June/76

Date of Receipt. 1st July/do

Date of Disposal.

No. of Enclosures None

ABSTRACT.

Prays that he may be informed of the order passed on his Petitions dt 19th October/75 and 30th March/76 complaining against the Municipal authority who established the right of way on his land. ——

Plain Papers

C.N.

16-11
1905

to In. 8329
1694

to-In. 1009/2
361

from In. 494

947

Municipal Board dec

Read - Canarese Proceedings
&ca connected with the Case
of Chenna Setty Municipal
Commissioner Bangalore, Town,
Received with the Residents
Lo 494 dated 17th March/76

Order thereon — The Offg Chief Commissioner
observes that Chenna Setty
claims the site enclosed
by a wall as belonging to
him - while Narasappah
asserts that he had a
Right of way over the said
site - The latter should
be directed to establish
his right as against the
former in a Proper Court
& till then the proposed
demolition of the wall
should be stayed -

2. If the Resident
Municipal Board &c..

Pc 1009 &
9 361

1876 No 20

To
The Presidents of the
Town Mal Commissions
Bangalore

S/30 June
29 5
42016 —

No 1009-17
36 1

Passing orders on the case
of Chennamsetty —

It necessary that a portion
of the case in question
ought to be taken up for
a passage, the procedure
indicated by sections 97 & 98
of the Municipal Regulations
Ought to be followed

By Secretary

To The President, Town Mund
Commissn Bangalore

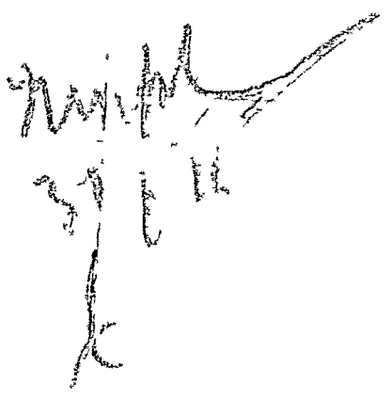
BS

17/5/32

No 445

The President-Municipal
Commission

7 February 1877.



16-77
P No 949

6

3.2.77

No. 445

Mysore Chief Commissioner's Office.

Dafter Defd

Official Memorandum.

The accompanying Petition No. 4712, dated 12th December 1876 received at the Chief Commissioner's Office from Chenna Chetty of the Town of Bangalore is forwarded, together with its three enclosures to the President of the Municipal Commissioners for report

"By Order,"

Secretary.

BANGALORE,

Feby 1877.

No. 4712

Name of Petitioner. Chenna Chetti

of the Town of

Village. Bangalore

Taluk. Do

District. Do

Date of Arzn. 12th December 1876

Date of Receipt. 23rd Do — Do

Date of Disposal.

No. of Enclosures. Three

ABSTRACT.

States that H. Chief Court in his order No. 1009 (936) dy 3rd June 1876 Ruled that Marappah the Complainant ~~ruled that~~ should be referred to a civil court; that on receipt of a copy of the order he applied to the President for permission to restore a portion of the wall which was demolished by the Board; that the President asked him to produce documentary evidence to prove his title; that he proceeded against the Presidents order, but to no effect; that as he feels backward to restore the wall, he begs for distinct orders on the subject. Submits copies of the proceedings orders and other papers.

Please see
1 on Duplicate Inward
13 which was communi-
cated to Govt in this Office
1009 dy 3 June/76 -
361 The former dis-
pute was between
Chi and one Marappah
is peti was in possession
Marappah was referred
to a Civil suit for the
establishment of his right.
Now it appears, from
Presidents letter to peti
No 392 dy 28 Nov/76 that
the site in question belongs
to the Dodda Pete Com-
munity - As peti is
admittedly in possession
& enjoyment of the site
since 1864, the President
was wrong, I think, in
requiring peti to prove his
right as against the Com-
munity - The party or
parties claiming the site
ought to be referred by
the Courts to prove their
right against the man
actually in possession
This peti may
be referred to President
report -
Regd Copies & Reports 2/2/77
Perused by S/L
Offd 6/2/77 Approved
3.2.77
Memo No 415 dy 7-2-77

Entd 14/4/77

3 Entered 9/3/77

No. 5645.

Name of Petitioner. Chennaseth of Bangalore Town Municl Comrs

Village. Bangalore

Taluk. Do

District. Do

Date of Arzi. 6 March 1877

Date of Receipt. 5th Do

Date of Disposal.

No. of Enclosures.

The former petn No 4712 was referred to Dist y Mgt's for report - This may be filed for the present

Record Report 12-3-77

ABSTRACT.

Inviting attention to his petition dated 22 December 76 regarding the objections raised by the Municipal Board, contrary to the Chief Comrs' order, about a piece of his own land, encircled by a compound wall, begs that the order granted to him by the Municl Board may be cancelled & he may be permitted to carry out the order of this Office -

S Ramiah

No 5649

5/3/77

Entered
17-4-77 55-58

No. 270

Name of Petitioner. Shenna Shetti

of the Town of

Village. Bangalore

Taluk. Do

District. Do

Date of Arzi. No date

Date of Receipt. 14th April 1877

Date of Disposal.

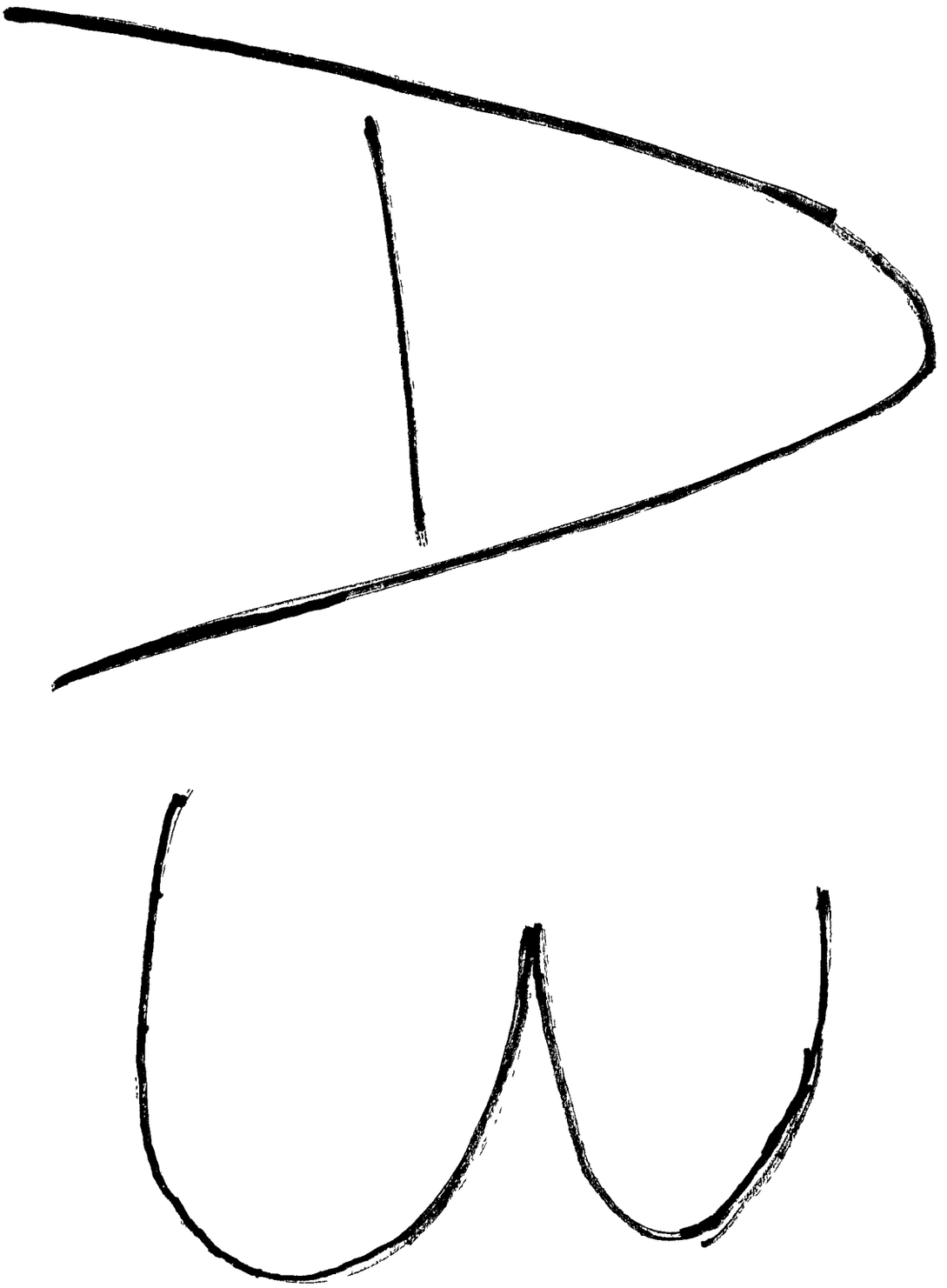
No of Enclosures.

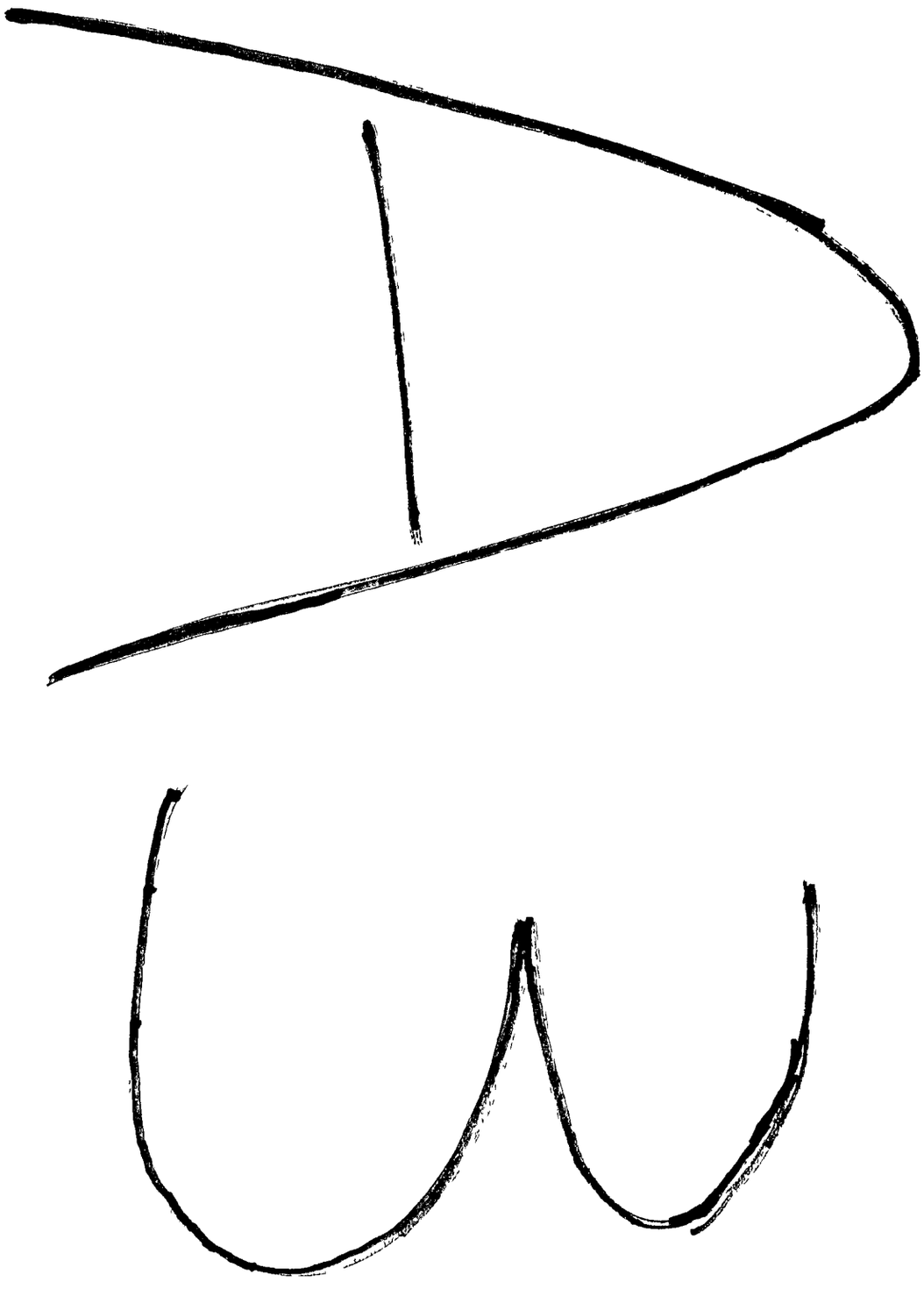
ABSTRACT.

Pet^r that the President of the Municipal Commissioners may be directed to carry out the Ch. Commissioners passed on his Petn about a building [illegible] he is unable to carry out the building without orders.

Please see orders on P No 5649. The Presidents' report may be awaited

19 4 77





1877

From

The Secretary to the Chief Commissioner of Mysore.

To Cantonment Department

The President of the Municipal Commission

Dated 5th June 1877

Despatched

Received

Enclosures No.

General No. 589
No. 134

Invites attention to this Office Memo No 445 dated 7th February 1877, calling for a report on the Petition No 4712 from Chenna Shetti of the town of Bangalore.

By Order

Offg Secretary

I return the Petition